

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,**  
et al.,

Defendants.

CIVIL NO. 12-2039 (FAB)

**JOINT MOTION IN COMPLIANCE WITH ORDER AT DOCKET NO. 2052  
REGARDING THE MONITOR'S PROPOSED BUDGET FOR FY23**

COME NOW, Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (collectively, “the Parties”), and respectfully submit the Monitor’s proposed budget for Fiscal Year 2023, in compliance with the Court’s Order of June 3, 2022, ECF No. 2052, and in accordance with the Stipulated Order for the Establishment of the TCA Office and the Payment of TCA Expenses (“Stipulated Order on the TCA”), ECF No. 139. As set forth below, the Parties have negotiated the Monitor’s proposed budget in good faith and believe it provides the Monitor with “sufficient and necessary resources to carry out his duties under the Agreement.” Stipulated Order on the TCA ¶ 16. The proposed budget approved by the Parties is attached hereto as Exhibit A.

1. The Stipulated Order on the TCA outlines the steps that the Technical Compliance Advisor (TCA, or “Monitor”) and the Parties must take to negotiate and approve an operating budget each fiscal year. Specifically, the Stipulated Order on the TCA provides:

The TCA will submit a proposed annual budget to the Parties at least sixty days (60) days prior to the conclusion of each budget year for approval. The Parties and the TCA agree to discuss and negotiate the proposed annual budget in good faith to ensure that the TCA has sufficient and necessary resources to carry out his

duties under the Agreement. The agreed-upon annual budget shall be filed with the Court through an informative motion before the start of each operating budget period. If the Parties and the TCA are unable to agree on an annual budget, any Party or the TCA may request this Court to resolve the matter. The Court's resolution shall be binding on all Parties.

*Id.*

2. In compliance with the Stipulated Order on the TCA, the Monitor submitted a proposed budget for FY 2023 and a cover memorandum to the Parties for review on April 4, 2022. The Monitor proposed a budget in the amount of \$2,500,340.00, which represents a reduction of \$34,064.00 from the current operational budget. The proposed budget includes expenses for professional fees, office space, local transportation, travel, clerical support, accounting, monitoring surveys, qualitative and quantitative assessments, and special projects related to monitoring, among other things. The items identified in the proposed budget correspond to the duties of the Monitor as set forth in the Agreement, ECF No. 60, and related orders. These duties include, but are not limited to: assessing and reporting on the Commonwealth's implementation of the Agreement; applying an approved monitoring methodology for compliance assessments; conducting comprehensive surveys of Puerto Rico residents, officers, and detainees; preparing semi-annual reports with specific findings and recommendations covering all substantive areas of the Agreement; meeting with community stakeholders; and conducting any additional audits, reviews, or assessments deemed appropriate by the Monitor, the Parties, or the Court. *Id.* at ¶¶ 225, 227 241, 245, 251, 254.

3. While discussions on the Monitor's proposed budget were ongoing, the Parties and Monitor agreed that it would be beneficial to the case for the Monitor, rather than the Commonwealth, to contract with the vendor selected jointly to conduct the needs assessment of the information systems and technology (IT) of the Puerto Rico Police Bureau (PRPB). *See*

Order Approving Stipulation for an Information Systems and Technology Needs Assessment and Action Plan, ECF No. 2000 (“No later than May 15, 2022, the United States, the Commonwealth, and the PRPB, with the assistance of the Monitor, shall select a qualified team, including a vendor, to conduct a comprehensive IT needs assessment of PRPB and develop a proposed IT action plan.”). As a result of assuming this new responsibility, the Monitor revised his proposed budget proposal to cover the costs of the IT needs assessment. As noted in the attached budget proposal, the Monitor expects to use the surplus amount from his current operating budget, expected to be approximately \$356,000, to cover the cost of the IT needs assessment. Ex. A, Monitor’s Proposed Budget at 1. Should additional funding be required to complete the IT needs assessment in FY 2023, the Monitor is authorized to seek additional funding with the approval of the Parties and the Court, pursuant to Paragraph 21 of the Stipulated Order on the TCA. *Id.*

4. Based on the budget information supplied by the Monitor, the duties of the Monitor outlined in the Agreement and relevant orders, the expected monitoring needs of the case, and the Stipulated Order on the TCA, the Parties approved the Monitor’s proposed budget for FY 2023.

5. On June 3, 2022, the Court instructed the Parties to “file a joint motion submitting the proposed budgets for the Monitor and the Special Master, with the proposed budgets that the Monitor and the Special Maser have submitted to the parties attached to the joint motion.” Order, ECF No. 2052. In compliance with the Court’s Order, the Parties submit the Monitor’s proposed budget, which the Parties have approved, as an attachment to this Joint Motion. The Parties will submit the Special Master’s proposed budget by separate joint motion.

**WHEREFORE**, the Parties respectfully submit the Monitor's proposed budget for FY 2023, which the Parties have approved in accordance with the Stipulated Order on the TCA.

**WE HEREBY CERTIFY** that today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Monitor, the Special Master, and all counsel of record.

**RESPECTFULLY SUBMITTED** this 13th day of June, 2022,

For Plaintiff UNITED STATES OF AMERICA:

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